

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID LASHUAY,

Plaintiff,

v

AIMEE DELILNE, ET AL.,

Defendants.

NO. 1:17-cv-13581

HON. THOMAS L. LUDINGTON

MAG. PATRICIA T. MORRIS

**STIPULATED PROTECTIVE
ORDER TO PROVIDE
PLAINTIFF'S COUNSEL WITH
THE LAST KNOWN
ADDRESSES FOR UNSERVED,
FORMER EMPLOYEES OF THE
MDOC, FOR THE SOLE
PURPOSE OF EFFECTING
SERVICE**

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**STIPULATED PROTECTIVE ORDER TO PROVIDE PLAINTIFF'S
COUNSEL WITH THE LAST KNOWN ADDRESSES FOR
UNSERVED, FORMER EMPLOYEES OF THE MDOC, FOR THE
SOLE PURPOSE OF EFFECTING SERVICE**

Plaintiff's counsel, seeks the addresses for the Defendants that have not been served with the summons and complaint who are former employees of the Michigan Department of Corrections (MDOC). Upon information and belief, the unserved, former employees of the MDOC include: Aimee Deline, Mollie Klee, Lorraine Vanbergen, Kimberly Dunning-Meyers, and William Borgerding.

Plaintiff's counsel has attempted service on Defendants Deline, Klee, Vanbergen, Dunning-Meyers, and Borgerding but, to date, has been unable to serve them. Accordingly, Plaintiff's counsel has asked counsel for the served MDOC Defendants – Crystal Trout and Timothy Zeigler –

for the addresses of former employees of the MDOC to serve them with the summons and complaint.

For unserved former employees of the MDOC, the MDOC shall provide Plaintiff's counsel with the former employee's last known home address as maintained by the MDOC. In light of legitimate safety and security concerns in disclosing the last known home address of any former MDOC employee, however, the parties, through counsel, have agreed to the following protective order:

1. **Designation as "Confidential"**: The parties agree that the last known home address of former MDOC employees for Defendants who have not been served shall be designated as confidential in these proceedings. All individuals that are provided the last known home addresses of former MDOC employees shall receive a copy of this Protective Order. Disclosure of addresses to anyone not a legal representative of a party to this litigation, or otherwise authorized as set forth below, is prohibited.

2. **Valid Use of Address**: The parties have agreed that Plaintiff's counsel may disclose the last known home address of former MDOC employees only to the following:

a. Persons employed in the law offices of Plaintiff's attorneys

and/or a process server, where disclosure is reasonably necessary for those persons to render services to the parties' counsel in connection with this case – i.e. to serve Defendants with the summons and complaint;

3. **Confidential Nature of Address:** The recipient of the last known home addresses of former MDOC employee Defendants will keep the addresses confidential pursuant to the terms of this Protective Order. Any individual that receives the address/addresses is enjoined from disclosing the address/addresses to any other person, except as governed by this Order. At the conclusion of the proceeding, the obligation to maintain confidentiality of Defendants' last known home addresses will survive the termination of the proceeding.

4. **Inadvertent Disclosure:** Inadvertent disclosure of any last known address of any former MDOC employee does not waive the confidential nature of the address and does not absolve the party making the inadvertent disclosure of responsibility for that violation.

5. **Enforcement Until Modified:** This Protective Order will remain in force and effect until modified, superseded, or terminated by a

written agreement of the counsel of record, or by order of the Court.

SO ORDERED.

Dated: January 17, 2018

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Approved as to form:

Date: January 12, 2018

/s/Cynthia Heenan (w/permission)
Cynthia Heenan (P53664)
Attorney for Plaintiff

Date: January 12, 2018

/s/John L. Thurber
John Thurber (P44989)
Attorney for Defendants Crystal Trout
and Timothy Zeigler

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 17, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager